

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

IN RE: HALEY JOHNSON )  
STEVEN E JOHNSON )  
DEBTOR(S) )  
 ) CASE NO: 11-63378 fra-13  
 ) MOTION BY TRUSTEE TO DISMISS  
 ) CASE AND NOTICE THEREON  
)

The trustee states the Debtor(s), whose last known address is  
1746F S VICTORIA AVE #403, VENTURA CA 93003

are in default under the terms of the plan since the required plan payments have not been made as detailed below:

Debtor's last payment received: Oct 07, 2013

Amount in default: 775.00

Number of payments in default: 5

Number of Trustee's previous motions: 0

1. DEFAULT.
  2. FAILURE TO SUBMIT 2012 TAX RETURNS AND REFUNDS, IN EXCESS OF \$1,860.00, TO THE PLAN.
  3. THE DEBTORS HAVE FAILED TO FILE A MODIFIED PLAN AS REQUESTED IN VIOLATION OF 11 U.S.C. SECTION 521(a)(3).

The debtor(s) made no showing of just cause for such default.

**WHEREFORE**, the trustee prays that an order be entered dismissing this case as provided in 11 U.S.C. § 1307(c).

DATED: November 22, 2013

/s/ Fred Long

Chapter 13 Trustee

## **NOTICE**

**NOTICE IS GIVEN** that the court will dismiss this case unless, within 28 days of the service date of the notice below, the debtor does one of the following and serves a copy of any document filed with the Clerk on the trustee, Fred Long, P.O. Box 467, Eugene, Oregon 97440:

1. Cure any existing default in plan payments, AND obtain from the trustee a copy of the trustee's withdrawal of this motion to dismiss;
  2. File with the Clerk a modified plan using (LBF)#1355.10;
  3. File with the Clerk a motion to dismiss or convert the case to one under Chapter 7;
  4. Simultaneously file BOTH (a) a motion for hardship discharge under 11 USC §1328(b), AND (b) a completed Notice of Motion using Local Form (LBF)#1378;
  5. File a written request for hearing with the Court stating specific grounds for denial of the motion.

CLERK, U.S. BANKRUPTCY COURT

I certify on 11/22/2013 I served copies of the above motion on the debtor(s) and any debtor's attorney.

MICHAEL L SPENCER  
1366L (12/18/06)

/s/ Fred Long  
Chapter 13 Trustee